3:Stern E-4,5 (1949-1957) 1965 NR 10 Klamath NR 10

[Klamath Reservation]

among them who is their counselor, . . . and who tells the Indians on the reservation that they can leave the reservation when they please."[5] Despite the contrary views of the U.S. District Attorney, two years later the Commissioner held that any adult Indian or the head of a family was free to take a homestead on the public domain, and was further exempted from paying entry fees or commission.[6] When the General Allotment Act came into force next year, provision was made that nonreservation Indians might be allotted on the public domain.[7]

As reservation control weakened, there was an increase in the incidence of crime. Dyar had had to contend with "professional" gamblers in his day, with the prostitution of Indian women, and with a few instances of bootlegging. When two Agency employees were killed in separate incidents little more than a month apart, the events had "had a very disheartening effect upon these [Indians] and many of them [were] for the time inclined to let go all holds and go back to their old customs."[8] Significantly one of those deaths, a shooting by a white sheepherder, occurred along the public road through the reservation.

Soon, across the reservation line on Wood River beyond Fort Klamath, saloons began to spring up. Nickerson stopped one man, a discharged soldier from Fort Klamath, and seized the liquor he was transporting to that oasis. He thereupon found himself facing extensive litigation, for the man had influential associates in Linkville. Before he was done with this and other cases arising from enforcement of the liquor regulations, the Agent was out of pocket nearly $1,000 in his own defense.

Although bootlegging, quarrels, and some shootings continued to involve whites, frictions began to develop with alien "half-breeds." The death of one of the employees slain in Dyar's time was at first attributed to a "half-breed"; another was involved in shooting up a saloon in the Wood River settlement; it was at least an outside Indian, a Pit River, who shot an Indian policeman at the Lost River fishery in 1883, and an interbreed who slew police lieutenant David Hill at the same place nine years later. An interbreed served as contact man for a saloonkeeper of the Wood River settlement, and another was accused of bootlegging in the nearby woods and at the autumn camps on Huckleberry

3:Stern E-4,5 (1949-1957) 1965 NR10 Klamath NR10

[Klamath Reservation]

Mountain. Indeed, it became customary for some Agents to attribute any breach of law, author unknown, to a member of that class.

As the country became more thickly populated, there came a brief period when outlaws took advantage of the distinct jurisdiction of the reservation. Cattle rustlers and horse thieves plied their trade across the line, stealing from Indians and whites alike. About the turn of the century, when the stage was being robbed with discouraging frequency, some of the outlaws seem to have operated occasionally out of the thinly patrolled reservation. At least one man, after having stolen a horse and saddle on the reservation, was soon thereafter caught in a stage holdup. These conditions while they lasted gave increased point to the need to maintain surveillance over whites within the reservation.

Against these various threats, the Agents strove valiantly. In the 1880's, when trespassing cattle from the eastern side of the reservation brought the integrity of the boundaries into issue, Emery resorted to cavalry to clear them off. Repeatedly, Agents ordered undesirables off the reservation, recommended to the Commissioner action to be taken on the licensing of traders, and sent the Indian police after runaway schoolboys and their seniors who were off the reservation without pass. Indians traveling in a group away from the reservation were accompanied by an Agency employee, often a member of the police. Whites who wished to work for Indians were screened. "I am quite sure from the statement of your letter," wrote O. C. Applegate to a man who proposed to work for Henry Jackson, ". . . that you are a man who wishes to be governed by the rules of the reservation. I therefore have no objection to your doing the work you propose for Jackson. . . ."[9] To the pass system was sometimes added the condition of the white sponsor. "Hereafter," Applegate declared, "I shall not give an Indian girl a pass to remain in town on the plea that she wants to work, until she brings an application from some responsible party."[10]

Leasing likewise passed through the hands of the Agent during much of this period. "It is true that you are capable of handling small things," Superintendent H. G. Wilson wrote Modoc Henry, "but as it is against the regulations to lease land outside of this

3:Stern E-4,5 (1949-1957) 1965 NR 10 Klamath NR 10

[Klamath Reservation]

I might call attention to the fact that at the last election in Klamath County a trust patented Indian was elected Justice of the Peace, and a fee patented Indian was elected Constable of the Beatty District on the Klamath reservation. It seems a rather unusual situation when a trust patented Indian can preside as a judge over a court and pass sentence on other people and at the same time question the same court's jurisdiction over him.[3]

Nor was this all. Federally regulated land on the reservation was off bounds for officers of the law from city, county, and state; yet in 1947 there were only two special Indian officers and two deputies to enforce law and order over almost one million acres of reservation. It was physically impossible for them to follow up all cases, and consequently they could not deal effectively with the misdemeanors of delinquents or with truancy from the county schools.

In the 1920's, soon after the opening of the reservation, towns such as Chiloquin were faced with the influx of a mobile population in which the unmarried "timber beast" was prominent. Roistering and violence occasionally assumed major proportions, and law enforcement broke down at first. Within the first three years after its incorporation in 1926, Chiloquin witnessed no less than twelve appointments to the position of town marshal. At times the Superintendent, concerned over the effect upon the Indians, intervened, delivering an ultimatum or sending in his officers to restore order. His jurisdiction, in turn, was also limited: When Arnold brought pressure to bear upon Chiloquin authorities to close down gambling in the pool halls and card rooms, the gamblers merely shifted their operation to Bly, just over the eastern boundary of the reservation, and the same procedure had to be repeated by state and local officials there.

The interdependence of law enforcement on state lands and reservation was emphasized during the depression. In 1931, when logging on the reservation—and with it tribal income—had been temporarily reduced by Washington, a tribal leader, Wade Crawford, succeeded in securing a congressional cut in the administrative budget of the Agency, which from about 1924 had been supported out of tribal revenue. Since the budgetary allocation for law enforcement then became inadequate, the federal officers left, until there remained only a constable and an

3:Stern E-4,5 (1949-1957) 1965 NR 10 Klamath NR 10

[Klamath Reservation]

County. Of regular municipal income in the year, 1956-57, taxation supplied only a little over four per cent. The largest sources of revenue were the water system, the city tavern (which alone supplied over one-third of the budget), and the proceeds from law enforcement (amounting to over one-fourth of the budget). Since, after the repeal of Indian prohibition in 1951, tribal members had become the major patrons of the municipal tavern, comprising in 1958 an estimated eighty per cent of its clientele, it is evident that in this indirect manner they had come to constitute a major support in the operation of the municipal government.

Nor was this all. The sizable sum derived from law enforcement was highly unusual. While the major enforcement problem in most Oregon cities of comparable size was traffic violations, Chiloquin in 1956-57 found no less than ninety-three per cent of its offenses to be felonies and misdemeanors other than traffic violations. Tribal members and other Indians, including repeaters, accounted for over seventy-two per cent of the arrests; they paid over seventy per cent of the fines and forfeited bail; and they furnished over ninety-six per cent of the trusty labor performed in the city.[7]

Aside from a few individual instances, this record does not reflect a policy of discriminatory arrests on the part of the city administration. It does, however, mark one of the significant confrontations upon the reservation. It was conditioned in part by the special statutory position of the Klamath, for as an Indian under federal supervision he was enjoined by law from having or using liquor and from marrying a white within the state. Until these disabilities were removed in 1951, tribal members were subject to arrest for acts not held criminal when committed by non-Indians. During prohibition, tribal members had learned to operate stills, had taken to drinking extracts, proprietary medicines, rubbing alcohol, and "canned heat" in lieu of scarce liquors, and had both patronized and served as bootleggers. Habits of defiant drinking, akin to those of other Americans during the "dry" years, lingered even into the years after repeal.

Klamath experience with strong drink and violence had neither begun with the reservation towns nor was it confined to them;

3:Stern E-4,5 (1949-1957) 1965 NR10 Klamath NR10

[Klamath Reservation]

but the access they provided to the means, the example set by the whites in the heyday of logging, and the greater chance of detection all made for a record in which these communities figured prominently. Moreover, in protest against a status they did not like but found it difficult to alter, tribesmen turned their violence outward against the public symbols of white dominance and inward upon their intimates and themselves.

The record is easy to read. Cars were stolen from a garage and raced by a gang of boys; others robbed a store; someone, in the years of prohibition, broke into the municipal tavern, then a forbidden place; others entered the jail, this time to remove some wine held as evidence in a bootlegging case; a boy, forcing his way into the post office, damaged the letter boxes. In subsequent years, the special Indian officer and a school principal were each set upon and beaten.

During the same period, private citizens among the whites were unmolested. The assaults had taken place against the seats of white power. When these events were discussed with a number of the elder Klamath, themselves law-abiding citizens, they reacted with abhorrence of the beatings—the Indian officer in particular had served long years on the reservation and had a reputation for fairness—but exhibited an indulgent amusement for the forays against stores and jocularity over the raid on the jail. The impression was very strong that in the twentieth century the Klamath, while sparing the neutrals in their midst, were still sending out war parties against the enemy.

Among themselves, violence, especially in their drinking parties, was more deadly. Both the statistical and narrative reports from the early days of the reservation detail occasional instances of death through violence, but the number is small, and it is unlikely, in the light of the counteraccusations freely hurled between feuding groups, that a murder could easily have been concealed. It is therefore signal that when, in 1929, the Klamath Falls *Evening Herald* summarized murder trials for the previous year, in five instances both individuals had been tribal members, while in a sixth a Klamath had slain a white during a drinking party in Chiloquin. In three other cases, both parties had been white, and in another, Mexican.[8] Since that

3:Stern E-4,5 (1949-1957) 1965 NR 10 Klamath NR 10

[Klamath Reservation]

time, few years have not seen at least one murder upon the reservation.

Lesser crimes have also been frequent. Of the 1958 sample of the reservation population above the age of sixteen, no fewer than forty-three per cent had been arrested for misdemeanor, seventeen per cent for felony. Liquor had led to arrest for thirty-seven per cent, and no fewer than forty-nine per cent were judged to have problems associated with drinking. The corresponding figures were slightly higher for those members living in Chiloquin, where opportunity, observation, and arresting officers were all more frequent.

In situations in which other peoples have sought redress in religious movements or covert sorcery, Klamath have more commonly fallen back upon drink and violence. For them the bottle has proven a maladaptive instrument, as shown by a recent survey of the causes of death of 139 members who expired during a period of four and one-half years: drinking was adjudged to be a contributory factor in no fewer than fifty-seven per cent of the deaths.[9] The violence which often caps drinking bouts is likewise self-destructive: for it often strikes close friends or family members.

From the viewpoint of the city fathers, then, the Klamath have been an unruly segment of the citizenry; and the figures on law and order pose the difficulty confronting the community in the maintenance of an orderly life. Alternatively, however, those same figures represent a sizable income to be realized through the administration of the law. In the latter days of the reservation, as the Indians themselves were clearly aware,[10] the city seemed on the one hand to be profiting from the sale of beer and wine to tribal members and on the other to collect large fines from them when, under the influence of alcohol, they had fallen into the toils of the law. The implications of this policy, by which almost two-thirds of the income of the town was supplied, made many white citizens uneasy. The city fathers, concerned with a parsimonious administration, were not eager to seek a substitute and, indeed, any change would have presented obstacles.

So long as the tribal government remained to articulate their

3:Stern E-4,5 (1949-1957) 1965 NR10 Klamath NR10

[Klamath Reservation]

000 10. Total number of marriages by ethnic character of mate, expressed as a percentage:

	Reservation (N=228)	*Chiloquin (N=101)*	*Absentee (N=43)*
	%	%	%
Indian (incl. Klamath)	75	64	14
White	21	29	79
Negro	1	0	0
Mexican	4	6	7

11. Parsons and Bales (1955), esp. Chs. 1 and 2.

12. Meriam *et al.* (1928), p. 463.

13. A few individuals entrusted funds to an influential white friend, but did so largely to put them out of reach of importunate kinsmen or of a sudden drunken impulse.

14. For a total of 175 tribal members from the random sample of those living on the reservation (N=228).

	%
Has had funds programmed in past three years, not at present	3
Programmed regularly	17
Not programmed but considered poor manager	34
No record of mismanagement	47

15. *Annual Narrative Report* (1924), pp. 48 ff.

FOURTEEN. LOCAL POLITICAL RELATIONS

1. By Public Law 28, U.S. 83d Cong., 1st sess. (1953).

• [674] 2. Murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, robbery, incest, and assault with a dangerous weapon. Cohen (1942), pp. 362 ff. It is perhaps an index either of acculturation or of a lag in legal cognizance that it was only in 1956 that there were added the crimes of embezzlement and of theft from the funds of tribal organizations. Oliver (1959), pp. 201 ff.

3. *Annual Narrative Report*, Klamath Agency (1930), pp. 11 ff.

4. Details of this episode are given in Stern and Swanson (1960), pp. 34–36.

5. Du Toit (1959).

6. The figures, based upon eligible adults, are, respectively, 81 per cent for whites, 68 per cent for tribal members.

7. These data come from the analysis of Bert R. Swanson. Stern and Swanson (1960).

8. *Evening Herald* (April 23, 1929), editorial, p. 4; (April 24, 1929), editorial, p. 4.

White ethnic exclusiveness is reflected in minimal Klamath participation in formal organizations, lodges, political groups, scouts, and various clubs. Elite groups such as the Masons are exclusively White, while the elite Methodist church contains a single Klamath member. In the century of contact few Klamath have held elective office outside the tribal structure, and although a high percentage have registered, very few vote in local, state, or national elections. The dual structure of local communities is best reflected in the sharp division of networks of friendships and home visiting, White on the one hand, Klamath on the other. Clearly, the place and role of the Klamath is a special one.

Their special status has numerous implications. For years, to obtain their drinking liquor the Klamath had to turn to bootleggers, a legal disability which was removed only in 1951. Local law enforcement has sometimes been difficult due to dual or conflicting jurisdictions, and jurisdiction over major crimes committed by Klamath was given over to the state of Oregon in 1953. The land holdings of Klamath property owners, because of their special status, are frequently tax exempt, as have been their per capita payments. Simultaneously, the Klamath have exhibited little constructive concern with local affairs. As was noted, their contribution to the community takes a special form. In Chiloquin during a typical year arrests of tribal members amounted to 70 percent of the total, and they also paid 70 percent of all fines and forfeited bails and performed 96 percent of all trustee labor (Stern & Swanson 1960). The wardship status has, however, suffered gradual attrition, and in 1954 the passage of Public Law 587 began the final termination of federal supervision of the tribe, and the dissolution of the reservation.

Under PL 587 the Klamath were allowed the choice of remaining within a reconstituted "Klamath Tribe," with a corporate structure and assets to be administered by a trustee, or they had the choice of withdrawing and of receiving a pro rata share of tribal assets. In a later election, about 77 percent of the membership elected the latter, and chose to withdraw. However, the control of the new "tribe's" assets and the fact that many persons who withdrew have been designated as "in need of assistance" indicates that although federal supervision has been ended, the control and intervention of Whites has not.

The separation of Whites and Klamath in local communities is by no means entirely due to White attitudes of exclusiveness or to overt discrimination. Individual Klamath have shown an equally noncommittal relationship to tribal affairs. Attendance at tribal meetings has been very low in spite of numerous inducements such as free bar-b-ques. In General Council meetings (and tribal affairs, generally) the conduct of business is marked by extensive and endemic factionalism, delays, repetitious debate, failure to resolve or even to state issues, and pointless, lingering sessions. Here is one place, outside of the telling of a ripe but dirty joke, that one may hear the Klamath language used; but it is used as a tool to beat down an opposing tribal member who does not understand it. Though the General Council and the Tribe are symbolic of a corporate separateness and of a Klamath identity, this minimal participation and the distrust of the ability of tribal leaders to manage the tribe's resources weakens them as systems of action.

Klamath families are another important locus of loyalty and identification. The household or domestic group itself averages about four members, but there are many single male households and many domestic groups headed by women. The latter is symptomatic of the instability of the marriage tie. Marriage, in the legal sense, is itself approximated in frequency by common-law unions and more temporary "shack-jobs." Probably one-third of all Klamath women have

Weasel: Male, Age 29

Background Data

In contrast to all other subjects Weasel's role in the reservation community is a totally negative, destructive one, largely that of a supposedly vicious criminal. He was born and raised on an economically un-productive ranch, which for twenty years or more has been the location of continuous drinking parties. Weasel was raised within a circle of a pack of older brothers, half-brothers, and step brothers, all of whom were bigger, stronger, and more capable than he. His father has been an alcoholic for thirty years and has rarely worked or contributed much to the organization of the family, which as a co-residential household usually included more than a dozen persons. In all, Weasel had 17 full and part siblings, half of whom are now deceased, three directly as a result of drinking, three from acts of violence or car accidents.

Weasel's formal education ceased when he was 15, in the ninth grade, at which time he was arrested on a burglary charge. Since then he has spent six years in reformatories or penal institutions. He was tested while in jail on an assault charge. Shortly thereafter he was found not-guilty, then re-arrested and sentenced on a different assault with a deadly weapon charge to three years in the state penitentiary.

Weasel has repeatedly moved out of the circle of the family group, only to fail "outside" and return to its sheltering arms. For a time Weasel was a professional boxer, but one without much skill or stamina. He never won a fight and his face shows the evidence of the capabilities of his opponents. His membership in this profession did not last long, and Weasel states, rather proudly, that the Boxing Commission expelled him "For conduct unbecoming a professional boxer." Weasel was once married (a common-law marriage, which for Weasel's primary reference groups is well sanctioned) but this lasted just 16 weeks. During this period Weasel stayed sober, the longest time he has spent without a drink since the age of 12. Weasel was consciously trying to reform himself, but now feels that he was a fool to ever try. Additionally, Weasel has repeatedly made a circuit of nearby towns and cities either singly or in the company of a brother or friend. These visitations have more of the character of raids than anything else, and Weasel is usually arrested in one or another place and either charged or shipped out of town.

In addition to being a minor criminal Weasel is frequently also the scapegoat for the aggressions of stronger men than he. He constantly asks for trouble, but has never given any evidence that he can back of his threats with appropriate force. His successful acts of aggression have always been sneak attacks, or attacks on feeble old men or young boys. He seldom attempts to avoid the consequences of these actions, and, indeed, is frequently not able to do so, because of his extreme drunken condition. He seems to obtain some gratification from the minor prestige afforded his performances in these roles, but this gratification is highly personalized and is not recognized as appropriate by others. It may be that he has been attempting to build up his standing and reputation within his own circle by acting out the role of a "dangerous Indian," but it would seem that he has been singularly unsuccessful in this. One aspect of this behavior is his reputed skill with a knife. On two occasions he wanted to obtain vocational training, once as a barber, the other time as a butcher, both times implying that this would be a simple extension of his native talent.